

A. G. Contract No. KR922641TRN
ECS File: JPA 92-118
Project: 040 NA 288 H 3032 01C
Project No.: STP-40-4(146)
Section: I-40 - Hermosa Drive
Pedestrian Overpass

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF HOLBROOK

THIS AGREEMENT is entered into 16 December, 1992, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF HOLBROOK, acting by and through its CITY COUNCIL (the "City").

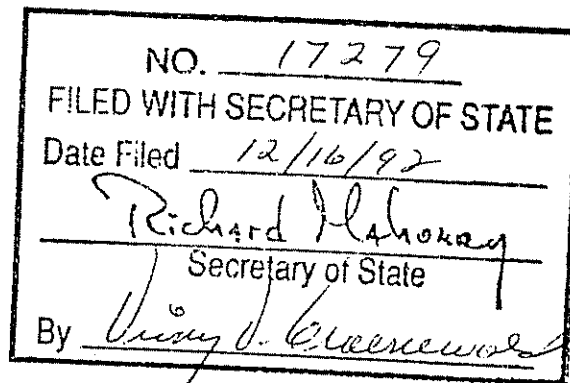
I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to an improvement project to I-40 near Hermosa Drive in Holbrook contemplated by the State, the State and the City desire to construct adjacent sidewalks, at an estimated cost of \$28,000.00, all at City expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:



II. SCOPE OF WORK

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate City review comments.

b. Call for bids, and with the concurrence of the City award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Obtain the concurrence of the City on any Project related contract modifications. Be responsible for any contractor claims for extra compensation attributable to the State on the State's project.

c. Prior to bid advertisement, invoice the City in the amount of \$28,000.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto.

2. The City will:

a. Review the design documents and provide comments as appropriate.

b. Prior to Project bid advertisement scheduled June 1993, advance the State \$28,000.00 for the Project.

c. Be responsible for any contractor claims for extra compensation attributable to the City.

d. Upon completion and acceptance of the Project by the State, provide maintenance to the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Holbrook
City Manager
465 First Avenue
Holbrook, AZ 86025

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement
the day and year first above written.

CITY OF HOLBROOK

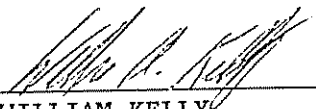
STATE OF ARIZONA

Department of Transportation

By 
RICHARD MESTER
Mayor

By 
ROBERT P. MICKELSON, P.E.
Deputy State Engineer

ATTEST

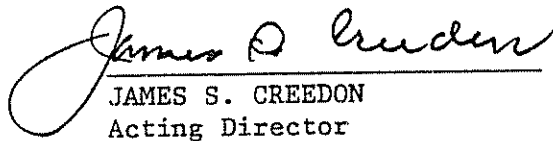
By 
WILLIAM KELLY
City Manager/Clerk

JPA 92-118

RESOLUTION

BE IT RESOLVED on this 20th day of October 1992, that I, JAMES S. CREEDON, as Acting Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Holbrook for the purpose of defining responsibilities for the design, construction and maintenance of incidental sidewalk improvements to I-40 Hermosa Drive pedestrian overpass in the City.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


JAMES S. CREEDON
Acting Director

RESOLUTION NO. 92-18

RESOLUTION OF THE CITY OF HOLBROOK, ARIZONA, AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, FOR CONSTRUCTION OF A PEDESTRIAN OVERPASS, AND DECLARING AN EMERGENCY.

WHEREAS there is a need for a pedestrian overpass on Hermosa Drive, located within the boundaries of the City of Holbrook, Arizona; and

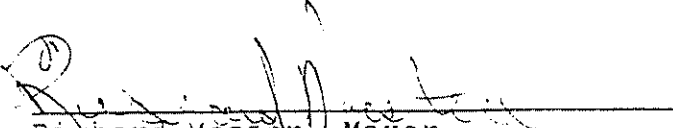
WHEREAS the City has negotiated with the State of Arizona, acting by and through its Department of Transportation, to secure financing for said overpass and improvements under Project No. 040 NA 288 H 3032 01 C;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Holbrook, Arizona, that the City shall enter into an intergovernmental agreement between the State of Arizona, acting by and through its Department of Transportation, and the City of Holbrook, for purposes of funding Project No. 040 NA 288 H 3032 01 C, which covers installation of a pedestrian overpass and improvements.

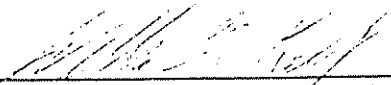
BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute said intergovernmental agreement and any other documents necessary to complete or comply with said agreement.

WHEREAS it is necessary for the preservation of the peace, health and safety of the City of Holbrook, an emergency is declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Holbrook, Arizona, this 1st day of December, 1992.


Richard Mester, Mayor

ATTEST:

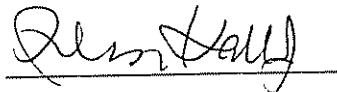

William A. Kelly, City Clerk

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APPROVAL OF THE HOLBROOK CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF HOLBROOK and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 27th day of November, 1992.

A handwritten signature in dark ink, appearing to read "R. S. Hall", is written over a horizontal line.

City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR92-2641-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 10th day of December, 1992.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section